The Solicitors' Journal

Vol. 93 January 29, 1949 No. 5

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CURRENT TOPICS

Solicitors and Income Tax

A GENUINE injustice to solicitors and other professional men arising out of present taxation was the theme of a letter to *The Times* of 19th January from Sir EDWIN HERBERT, a member of the Council of the Law Society. The substantial capital required by solicitors is accumulated, Sir Edwin wrote, out of earnings and paid out on death or retirement by incoming partners, frequently by easy instalments. Under our present system of taxation no allowance is made to a professional man in respect of a sinking fund or reserve against capital or goodwill commitments, or in respect of contributions to a superannuation or retirement benefit scheme. These commitments must therefore be met out of taxed profits or by seeking partners with adequate capital resources. The results are, as Sir Edwin Herbert stated, that many solicitors face the loss of their life savings invested in capital and goodwill owing to death duties and must go on earning up to the edge of the grave, thus blocking the way to the promotion of younger men, so that the career is less and less open to the talents. There is a drift from private practice into salaried positions where no capital is needed and superannuation is either non-contributory or provided under a scheme, the contributions to which may be a charge for income tax purposes. Sir Edwin is the chairman of the Joint Committee which, as The President of the Law Society disclosed in his Address to the special general meeting of the Society held this week (see p. 69, *post*), has been set up by The Law Society and the Institute of Chartered Accountants to study this question—a question justly described by the President as "one of the most important we have ever attempted to deal with."

The Rent Act Muddle

ONE day, perhaps, those responsible for initiating legislation in this country will take notice of the unanimous opinion of those with experience of the outrageous muddle of the Rent Restrictions Acts. These protests were made by the highest judicial authorities long before the Ridley Committee advised simplification and codification in a single statute. The latest contributor to the campaign is Sir W. ALAN GILLETT, President of The Law Society, who wrote in *The Times* of 22nd January: "The Council of The Law Society view with concern the addition of yet another Bill to the hotchpotch of Rent Restriction legislation . . . the complexity and obscurity of the subject has been increased by the Furnished Houses (Rent Control) Act, 1946, and is now to be still further intensified by the Landlord and Tenant (Rent Control) Bill at present before Parliament. My council have constantly advocated, both before and after the Ridley Committee made their recommendation, that the law should be simplified and consolidated, and they have been instrumental in raising the matter more than once in the House of Commons." Sir Alan concluded by asking for a consolidating Act as soon as possible as this was not a party issue. It is all the more disappointing that in the Second Reading debate on the new Bill, the MINISTER OF HEALTH dismissed the matter as being of too great a magnitude to be undertaken at present, and said there would be bitter resentment if eight million houses were exposed to a review of rents at the present time.

Stock Exchange and Commission Sharing

GREAT satisfaction will be felt by the profession at the announcement, made at a Press conference at the Stock Exchange on Tuesday, of the decision of the Council to rescind, subject to confirmation on 14th February, the amendments to the Agency and Commission rules. It is expected that, in view of this welcome decision, the requisitionists of the proposed adjourned meeting will now withdraw the requisition. The field is thus cleared for a fresh approach to the problem. It is evident that recent pressure from the banks and other quarters has weighed heavily, especially as it has been obvious for some time that the House itself is far from united. The way now lies free for all interested bodies to bring out into the open all their difficulties and opinions and to get together to see whether some compromise cannot be reached.

Enquiries of Local Authorities

WHILST it is, perhaps, not surprising that agreement as to revised forms of supplementary enquiries under the Town and Country Planning Act, 1947, has taken some time to achieve, solicitors will have learnt with relief that The Law Society, in conjunction with associations representative of local authorities, has now secured approval to the alterations required. In place of the two earlier forms, there are now three, the additional form being for use with official searches addressed to county borough councils. All the associations concerned are recommending their members to reply to the new enquiries and this should avoid the difficulties which have arisen in a few areas in the past. We understand that negotiations are in progress with the London County Council and the metropolitan boroughs with a view to further forms being agreed for use in their areas. Until these forms are available, the form for borough or district councils should be

used with searches addressed to metropolitan boroughs, but as town planning matters are the responsibility of the London County Council, questions 7 to 11 should be deleted. In the case of the London County Council, we have so far been unable to ascertain the practice to be temporarily adopted.

Liverpool Law Society

THE annual report of the Incorporated Law Society of Liverpool for the year 1948, which we have just received, records a year of successful progress. The figures of the Poor Persons Committee for the year are 397 applications received, 246 applications granted, 103 refused, 37 otherwise disposed of, and only 11 pending. In pursuance of a policy to keep in closer touch with the Provincial Societies the President of The Law Society, as had his predecessor, invited the Presidents and Secretaries of all Provincial Societies to meet him and the Secretary of The Law Society in April last. Among other matters dealt with were the question of solicitors' remuneration under Sched. II, the Accountant's Certificate Rules, the Rushcliffe Scheme, the Solicitors' War Memorial Fund and membership of The Law Society. The President of The Law Society expressed disappointment that the target figure of £20,000 for the War Memorial Fund had not been reached; up to the time of that meeting the subscriptions had not reached £10,000, which is less than 10s. per head of the profession. The greater part of the fund will be used for the assistance of solicitors and articled clerks and the families and dependants of solicitors and articled clerks killed or affected in mind, body or estate in or as the result of the war. The report also states that inquiries are received from time to time as to whether the Liverpool custom with regard to the costs of leases applies to property situate in neighbouring boroughs such as Birkenhead, Bootle, Wallasey and Crosby. Whilst the custom is binding in relation to property in Liverpool and is frequently adopted in surrounding districts, the committee desire to point out that *in the absence of agreement* the custom does not apply to property situate outside the City of Liverpool. Courses of lectures were arranged on the Town and Country Planning Act, 1947, and on the Companies Act, 1947.

Town Planning and the Public Works (Festival of Britain) Bill

LANDOWNERS may well envy the London County Council their proposed exemption from development charge under Pt. VII of the Town and Country Planning Act, 1947, in respect of land used under the Public Works (Festival of Britain) Bill, 1949, or for purposes of exhibition traffic arrangements. The exemption extends also to land forming part of the exhibition site and used by any person for the purposes of the exhibition, and it applies whether or not the land was on the appointed day under the 1947 Act land to which s. 82 of that Act applied. Likewise, no development charge is to be payable in respect of operations on or use of land for the purposes of the Hungerford Bridge extension or of the tramways authorised by s. 1 and Pt. III of Sched. I. These exemptions are, however, limited so as not to apply to any use of land extending beyond the closing of the exhibition, except where extensions are granted by the Minister of Transport or the Minister of Town and Country Planning for certain limited reasons.

The Death Penalty: A Royal Commission

IN a matter on which such a deep cleavage of opinion and conscience exists as that of the death penalty, it is important that the right terms of reference should be chosen for submission to a Royal Commission. Mr. ATTLEE announced in the House on 20th January that a Royal Commission on Capital Punishment is to be set up under the chairmanship of Sir ERNEST GOWERS. The terms of reference will be: To consider and report whether liability under the criminal law in Great Britain to suffer capital punishment for murder should be limited or modified, and, if so, to what extent and by what means, for how long and under what conditions persons who would otherwise have been liable to suffer capital punishment should be detained, and what changes in the existing law and the prison system would be required; and to inquire into, and take account of, the position in those countries whose experience and practice may throw light on these questions. It is not clear whether the McNaghten rules come within the scope of these terms and the Prime Minister refused to commit himself on the matter. It is clear, however, that questions arising out of these rules are bound up with the terms of reference. In the hands of Sir Ernest Gowers, who, besides being a civil servant of the highest distinction, is a master of English expression, there should be no doubt at any rate as to the meaning of the ultimate findings of the Commission.

International Fiscal Association

THE International Fiscal Association was founded at The Hague in 1938 for the study of taxation problems, particularly in their international aspects, and national branches of the Association are already in existence in Belgium, France, Greece, Holland, Italy and the United States of America. At a meeting of United Kingdom members of the International Fiscal Association held in London recently, it was decided to form a United Kingdom branch of the Association. International congresses of members of the Association were held at The Hague (1947) and in Rome (1948). The Association has recently accepted an invitation by the Fiscal Division of the United Nations to participate in an inquiry into the problems arising out of double taxation conventions. The Bureau publishes the *Bulletin for Fiscal Documentation*, of which about nine numbers are issued every year and which is supplied to members of the Association. The following were elected as members of the Committee of the Branch Association: Mr. JOHN G. ARCHIBALD, Solicitor of the Supreme Court (Chairman), Mr. BERNARD M. BERRY, A.C.A., Mr. ROY E. BORNEMAN, Barrister-at-Law, Mr. V. R. IDELSON, K.C., and Mr. RONALD STAPLES, Editor of *Taxation*. The Honorary Secretary is Mr. T. L. A. GRAHAM, A.S.A.A., of 98 Park Street, Mayfair, W.1, from whom information concerning membership may be obtained.

The Chronological Table of the Statutes

A WELCOME publication by H.M. Stationery Office is the 59th edition of the Chronological Table of the Statutes, covering the legislation to 31st December, 1947 (25s. net). Those who are accustomed to use the Table will need no reminder of its merits as a time-saver; those who have not hitherto included it among their books of reference—and their number is surprisingly large—will do well to add a copy to their bookshelves. For such it should, perhaps, be stated that the Chronological Table comprises the public general statutes from 1235 onwards and shows at a glance all repeals and amendments to them, with references to the later statutes by which they have been effected. It is thus a matter of a moment to discover whether a particular section of any Act has been repealed or amended, and if so, by what subsequent legislation. This latest edition of the Table incorporates one particularly valuable new feature, namely, that entries relating generally to an Act or Part of an Act are placed first and are followed by the remaining entries arranged in the numerical order of the sections to which they relate, instead of, as hitherto, in the chronological order of the amending statutes. By this means even more rapid reference has been made possible.

Recent Decision

In a case in the Court of Criminal Appeal (the LORD CHIEF JUSTICE and HUMPHREYS and FINNEMORE, JJ.), on 17th January (*The Times*, 18th January), leave to appeal was refused to a prisoner who had been sentenced to three years' penal servitude for receiving stolen rum, but who had previously borne an excellent character. Humphreys, J., said that those whose duty it was to order punishment hoped and believed that it would have the effect of teaching the applicant and people of like nature that crime did not pay.

ACCIDENTS IN SCHOOLS

SCHOOLCHILDREN have a constant propensity to meet with accidents, and—especially with young children—it is sometimes difficult to advise whether any liability falls on the school. There are two branches of liability which may apply. There is the ordinary liability of an occupier to an invitee or licensee, and where this arises the school authority are liable in their capacity as occupiers of the school premises. There is a further liability, however, based on the special relationship between schoolmaster and pupil. Here, it seems, the schoolmaster is personally liable for negligence and the school authority are vicariously liable in their capacity as his employers.

An invitee has a marked advantage over a licensee. There is a duty to protect him against all unusual dangers, whether they are concealed or not; and against dangers of which the occupier ought to know, as well as those which are actually known to him.

When some payment is made for the education of a child, he is evidently an invitee on the school premises (see, for instance, *Woodward* v. *Hastings Corporation* (1944), 61 T.L.R. 94). Probably a child is still an invitee if he attends a public elementary school free of charge, and this seems to have been assumed by the Divisional Court in *Morris* v. *Carnarvon County Council* [1910] 1 K.B. 159, and by Slesser, L.J., in the Court of Appeal in *Fryer* v. *Salford Corporation* (1937), 81 SOL. J. 177. There is an element of doubt, however, because the Court of Appeal have held in *Sutton* v. *Bootle Corporation* [1947] K.B. 359, that a child visiting a public recreation ground is only a licensee: and it is difficult to see a distinction between an infants' recreation ground and a school, as both are paid for out of the rates with the express object of being used by children of the district. A good example of liability to an invitee is to be found in *Gillmore* v. *L.C.C.* (1938), 82 SOL. J. 932, where the plaintiff (in this instance a young man, not a child) paid a small fee to attend physical training classes and recovered damages for an accident caused by a slip on a highly polished floor.

If, in any case, a child is held to be a licensee on school premises, the extent of the liability is as explained in *Sutton* v. *Bootle Corporation, supra*. The occupiers are liable only for concealed dangers of which they actually know: but, while a warning to an adult would be sufficient, the duty to a child is to take such further measures as are necessary to protect him. Furthermore, a danger may be "concealed" in relation to a child where it would be obvious to an adult, especially if it is an "allurement," i.e., something which a child finds very attractive but of which he cannot appreciate the danger—for instance, explosive substances carelessly left out by a chemistry master.

However, the most important head of liability is that which rests on a schoolmaster by reason of his special responsibility to his pupils—a duty, in general, to watch them and protect them against dangers which they are capable of bringing on themselves or their schoolmates by reason of their own inexperience or immaturity. That this special duty exists is clear. It has been said, for instance, in *Camkin* v. *Bishop* (1941), 165 L.T. 246, that the schoolmaster is under the same duty as a careful parent: but the duty must, no doubt, be subject to this qualification, that a schoolmaster has far more children under his charge than any parent would have, and consequently cannot be expected to do so much as a parent. In general, then, whatever the age of the children, a schoolmaster cannot be expected to prevent the sort of accident that might happen in a well-regulated home, as, for instance, in *Chilvers* v. *L.C.C.* (1916), 80 J.P. 246, where a child pierced its eye with the lance of a toy-soldier, or in *Wray* v. *Essex County Council* (1936), 80 SOL. J. 894, where a boy ran round a corner and collided with another boy carrying a pointed oil-can. Over and above this, it is not obligatory to keep a watch on older boys at every moment of their school life. Thus when, owing to lack of supervision, boys injured themselves in playing with a tip-up lorry, there was no liability (*Rawsthorne* v. *Ottley* [1937] 3 All E.R. 902). Similarly in *Camkin* v. *Bishop, supra*, it was held that it was quite in order to allow a party of boys to go off on agricultural work without supervision, and that the school could not be held responsible when one boy injured another by flinging potatoes at him.

Nevertheless, there is a special duty to protect even older boys and girls when there is some special risk incident to their school work. Thus, in *Fryer* v. *Salford Corporation, supra*, an unguarded gas stove was used during a cookery lesson, and the dress of a child caught fire. It was held that there ought to have been some sort of guard, and the education authority were liable. So also it is recognised that gymnastics may involve a risk of injury, and a master may be held liable for failing to "stand by" in the usual manner (*Gibbs* v. *Barking Corporation* [1936] 1 All E.R. 115). The same principles apply to such things as woodworking or chemistry classes (see *Williams* v. *Eady* (1893), 10 T.L.R. 41) and the more risky forms of outdoor athletics.

If these views are sound, some special factor of risk is necessary before a master can be held negligent in failing to supervise *older* boys. As regards younger children—especially those around the ages of five and six—they have acquired so little experience in judging what is and what is not dangerous that a master (or more usually a mistress) may reasonably be expected, in filling the part of a careful parent, to keep some watch even over their playtime activities. No real guidance, however, is to be found in the reported cases, perhaps because it has been easier in practice to establish liability on an invitee or licensee basis.

J. H. M.

A Conveyancer's Diary

ATTORNMENT CLAUSES

IT was at one time almost common form to insert an attornment clause in a mortgage deed, with the object of conferring upon the mortgagee the powers of distress which arose as the result of the creation of a landlord and tenant relationship between him and the mortgagor. The clause operated in some such a way as this: The mortgagor attorned and became tenant from year to year of the mortgagee at a rent equivalent to the annual interest on the amount advanced, and power was reserved by the mortgagee to determine the tenancy so created by notice, either on the breach of any of the mortgagor's covenants, or on the happening of any event which would entitle the mortgagee to enter into possession.

This practice suited the convenience of mortgagees admirably, until the Court of Appeal held, in *Re Willis* (1888), 21 Q.B.D. 384, that an attornment clause whereby a power of distress was given to the mortgagee constituted a bill of sale within the meaning of the Bills of Sale Act, 1878, requiring registration under that Act, with the consequence that failure to register rendered the power of distress inoperative. Few mortgagors would consent to a form of mortgage which requires registration as a bill of sale, and the practice of including an attornment clause in mortgage instruments fell into almost complete desuetude as a result of this decision. But whatever the effect of the Bills of Sale Acts on the power to distrain contained, either expressly or by implication, in an attornment clause, they do not otherwise invalidate the creation of the relationship of landlord and tenant (*Green* v. *Marsh* [1892] 2 Q.B. 330). This is most important, since it enables the mortgagee, in suitable circumstances, to exercise the powers of recovering possession enjoyed normally by a landlord, including that of instituting summary proceedings for possession before the justices under the Small Tenements Recovery Act, 1838.

Section 1 of the Act applies to any house, land or other corporeal hereditament which is held on a tenancy at will, or for a term not exceeding seven years, either rent free or at

a rent not exceeding £20 a year, provided that no fine has been paid on the grant of the tenancy. The short title of the Act is, therefore, something of a misnomer, since a house in Belgrave Square may be a " small tenement " for the purposes of the Act if it is held on a tenancy in respect of which no rent is payable. Where these conditions are fulfilled, and the term for which the premises are held has been duly determined by a legal notice to quit or otherwise, and the tenant refuses to vacate the premises, the landlord may set the machinery of the Act in motion by serving the prescribed notice on the tenant.

That is what happened in *Dudley and District Benefit Building Society* v. *Gordon* [1929] 2 K.B. 105. The mortgagor mortgaged his house to the appellant society to secure an advance of £180, and by the mortgage deed it was declared (i) that the mortgagor attorned tenant of the mortgaged premises on a yearly tenancy at the rent of 10s. per annum, and (ii) that if the society should at any time become entitled to enter into possession or receipt of the rents of the premises, it might at any time thereafter, on giving to the mortgagor seven days' notice in writing in that behalf, determine the tenancy. The mortgagor made default and, the mortgagee society's right to enter into possession having arisen, a notice determining the tenancy was served on the mortgagor in accordance with the provisions of the mortgage deed. The society then served on the mortgagor the form of notice required by s. 1 of the Small Tenements Recovery Act, 1838. The complaint having been dismissed by the magistrates, the matter came, on appeal by the society, before a Divisional Court, who found in favour of the society.

The main point brought out by this decision was the effect of the notice served upon the mortgagor in the terms of the attornment clause. The justices held that a seven days' notice was insufficient to determine the yearly tenancy which was created by that clause, and that there had, in consequence, been no " legal notice to quit " as required by s. 1 of the Act. The Divisional Court pointed out that the requirement of s. 1 was that the tenancy should have been determined " by legal notice to quit or otherwise " ; that some meaning should be attached to the words " or otherwise," and that a notice which would, in the absence of some special circumstance, be insufficient to determine a tenancy of a particular duration, may become a sufficient notice if (as was the case here) the parties had so agreed. That being so, the case was one in which an ejectment warrant should be issued.

This decision shows how the procedure for obtaining possession with the minimum trouble and expense afforded by the Act of 1838 may be made applicable to the case of a mortgage. There are only two points to watch in drawing an attornment clause with this purpose in mind : the term and the rent. In the ordinary case the convenient course is to frame the clause on the lines of that in the *Dudley* case, but if the mortgage provides that the advance will not be paid off or called in during a certain period, and the period exceeds seven years, it is obviously possible that the effect of the deed as a whole may be to create a tenancy for a term exceeding seven years. In that case the Act of 1838 cannot apply, and the utility of inserting an attornment clause in the deed may have to be reconsidered. In regard to the rent, also, the provisions of s. 1 of the Act must be borne in mind. There seems to be little point in reserving even a nominal pecuniary rent, and a peppercorn rent would probably be quite as appropriate in the case of most mortgages. The old practice of reserving rent at a rate equal to the amount of the annual interest is clearly no longer appropriate ; this practice was established with a purpose which *Re Willis*, *supra*, invalidated, and the amount of the figure inserted as rent is now immaterial, provided it does not exceed £20 a year.

I do not think it is necessary to refer in any detail to the advantage, from the mortgagees' point of view, of the remedy afforded by the Act of 1838, for that is clear enough when the delays of instituting, and carrying to a successful conclusion, proceedings in the High Court for possession are compared with the time required to obtain possession under the Act. An order for ejectment under the Act must take effect not less than twenty-one, and not more than thirty, days after the warrant, and the court has no discretion to extend the time. But the procedure under this Act is, of course, subject to the Courts (Emergency Powers) Act, 1943, and leave under the latter enactment is in all cases necessary before an application can be made to the magistrates for an ejectment warrant ; and there are special provisions regulating the applicability of this procedure to rent-restricted premises which must be referred to when questions of that kind arise. Subject to this, there is quite a lot to be said for the inclusion of an attornment clause in mortgage instruments. "A B C"

Landlord and Tenant Notebook

CONTROL AND OVERCROWDING

THE report of a recent decision at Bow County Court, contained in a London evening newspaper, calls attention to a small sub-species of properties excluded from the operation of the Rent, etc., Restrictions Acts, or partly so excluded, namely, those overcrowded within the meaning of the Housing Act, 1936. Probably the largest sub-species is that of dwellings provided by local authorities under that Act, a category of which we were recently reminded by the litigation in *Shelley* v. *London County Council ; Harcourt* v. *London County Council* (1948), 64 T.L.R. 600 (H.L.), and have more recently been reminded by the news of a so-called " rent strike " at Colchester. The immunity conferred by a Crown interest was also much in the news last year ; we had *London County Territorial and Auxiliary Forces Association* v. *Nichols* (1948), 92 SOL. J. 455 (C.A.) ; and the much-discussed county court decision in *Tamlin* v. *Hannaford* (1948), 98 L.J. News. 660 (see 92 SOL. J. 631) suggests that the group may be increasing. The small but select category covered by the term " parsonage houses " has for some time produced roughly one decision a year on the effect of the Pluralities Act, 1838, the most recent instance being another county court decision, that of *Jackson* v. *Hill* (1948), 98 L.J. News. 537. Last March, the Agriculture Act, Sched. VII, para. 23—now the Agricultural Holdings Act, 1948, Sched. VII (1)—excluded houses occupied by persons responsible for the control of farming (see 92 SOL. J. 511). Then there are those dwellings which come within the purview of s. 11 of the Housing Act, 1936, and become subject to a demolition order " requiring that the house shall be vacated within a period specified " (subs. (4)) ; we hear little about this nowadays, but the corresponding provision of the 1925 Act led to *John Waterer, Sons & Crisp, Ltd.* v. *Huggins* (1931), 47 T.L.R. 305, in which the tenant did not resist the landlords' claim to possession of the condemned property but sought to establish a counter-claim for damages (disallowed on appeal). The exclusion from control as regards security of tenure in such cases is effected by s. 156 (1) of the present Act, covering all cases where possession is required for the purposes of provisions dealing with insanitary property, of redevelopment plans, and also of securing compliance with any byelaws made for the prevention of overcrowding.

Apart from byelaws, however, there is express provision in Pt. IV of the present Act, which is devoted to the abatement of overcrowding, depriving tenants of protection, in s. 65 (1). Before the Act was passed, para. (*f*) of Sched. I to the Rent, etc., Restrictions (Amendment) Act, 1933, dealt with overcrowding as a ground for possession ; it was deleted by the Increase of Rent, etc., Restrictions Act, 1938. It was, apparently, this general provision which the landlord relied upon in the recent action in Bow County Court. " The baby came—the law was broken " ran the heading of the report, which told how the defendant and his family (wife and two children) occupied two rooms, how three years ago a third child was born, and how by reason of that event the plaintiff

recovered possession. "The moment Mr. and Mrs. R F's third child was born the family broke the law" is not quite accurate, and the further statement that the two children counted as a half each might well have been amplified. For practitioners whose clients may wish to operate or resist claims based on overcrowding infringing the Housing Act, 1936, a more accurate and detailed survey of the position is advisable.

Section 65 (1) provides that where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent, etc., Restrictions Acts shall prevent the landlord from obtaining possession of the house. The provision does not, of course, free the house from rent control itself; it merely deprives the particular tenant of the security of tenure which he would otherwise enjoy. Temporary increase by Ministerial direction is provided for by s. 60; there appears to have been none in force in the recent case.

The occupier is guilty of an offence if he causes or permits the dwelling-house to be overcrowded (s. 59 (1)). What constitutes causing, and what permitting, may sometimes be a delicate question (see, for instance, the possible distinction between "permit" and "suffer" judicially suggested in *Barton* v. *Reed* [1932] 1 Ch. 362) and the Act does not mention "suffer." But it could hardly be suggested that children do not occupy by permission of their parents.

The primary test of overcrowding is made by reference to the number of persons sleeping in the house. It is overcrowded if any two of them who are (i) either ten years old or more and (ii) of opposite sexes, and are not husband and wife, *must* sleep in the same room; it is also overcrowded if the number of sleepers is, in relation to (i) number and (ii) floor area, in excess of the "permitted number" as defined in Sched. V (s. 58 (1)).

It was the second test that gave the plaintiff his victory in the recent case. The Schedule demands consideration of (i) the number of rooms (those under 50 feet superficial being disregarded) and of (ii) their floor area. Two tables give the maximum number of persons for a given number of rooms and for a given amount of floor area, and when both calculations have been carried out the permitted number is the smaller one. The number-of-rooms computation appears to have been the decisive one in the recent case; the dwelling-house consisted of two rooms, in which case the number of persons permitted is three.

By s. 58 (2), in determining the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one-half of a unit. This explains the statement that the children counted as a half each; they must have been between one and ten, but even if no third infant had arrived their presence or sleeping would in the fullness of time have given the landlord his right to possession. And the statement "the baby came—the law was broken" is a little misleading; as we have seen, the framers of the Act respected the *de minimis non curat lex* maxim; but in fairness to the newspaper, and assuming its report of the learned deputy judge's remarks to be accurate, the statement approximately reproduces their purport. They were: "So far as I can see the birth of the third child has robbed them of the protection of the Rent Acts. It is an extraordinary thing." It would be more accurate to say that the birth in question plus the effluxion of a year (in fact, three years had elapsed before the landlord took action) had had the effect described; and one might add that even if this had been another case of quadruplets, the parents would have had a year in which to look round, though in such circumstances providing for the other children to sleep out would not have helped them.

R. B.

THE LAW SOCIETY

SPECIAL GENERAL MEETING

We print below the advance text of the Address to be delivered by the President, Sir ALAN GILLETT, to the Special General Meeting of members of The Law Society held on the 28th January.

Ladies and Gentlemen,—Traditionally the President of The Law Society reports to the Special General Meeting of members of The Law Society convened in January each year upon the principal matters of current interest with which the Society has been concerned and seeks to satisfy the members that the Council have been active in discharging their duties. I have no fear that I shall not satisfy you upon this last point, for these past six months since I took office have been perhaps as busy as any which the Council have yet had.

I have first of all, however, to record the losses which the Council have suffered through the sudden death in October last of Mr. F. J. F. Curtis, of Leeds, who had been a member of the Council from 1932, and by the resignations of Lieut.-Colonel S. T. Maynard of Burgess Hill and Mr. Stuart Evans of Bristol, both of whom were extraordinary members of the Council and decided not to offer themselves for re-election last summer.

Colonel Maynard, it will be recalled, was President of The Law Society in 1940–41, and had been a most active member of the Council for twenty-six years. Mr. Stuart Evans, who was first elected a member of the Council for the year 1939–40, retired to go on active service and was re-elected in 1945, and we are indeed sorry to lose his services so soon.

PROVINCIAL MEETING

In September last we held the first Provincial Meeting since the war at Brighton and I make so bold as to say that it was an unqualified success. About 400 members attended that meeting, at which we had most frank and friendly discussions on a very wide range of subjects with which the Society is concerned for its members. We examined especially possible future developments of the work of eight of the standing committees of the Council. I do not propose to review the result of those discussions, because we have created a precedent (which, if it commends itself to members, we propose to follow in future years) of publishing a small booklet recording the whole business of the meeting, including verbatim the most valuable and interesting addresses given by Sir Malcolm Trustram Eve on the work of the Central Land Board, and The Rt. Hon. Sir David Maxwell Fyfe on the Lawyer and the Legal System. We have also included in the book a short account of the very pleasant social engagements which we enjoyed, and we have included a few photographs taken at the meeting. This book has been issued to all those who attended the conference and is available on sale to any person who wishes to obtain one at the price of 2s. 6d. to members and 3s. 6d. to non-members. The demand for it has been so great that we are having further copies printed.

I believe all those who attended thoroughly enjoyed the Conference—certainly a great many have since written to say how much they did so. Although the number attending was, I think, a record for these meetings, we are hopeful that many more may attend the next and subsequent meetings, so that we may make them a real annual conference of members of The Law Society, and can profit by the occasion to get to know each other better "out of school."

Next September we propose to hold the Provincial Meeting in the north-west of England. The Blackpool and Fylde District Law Society, in association with the Preston Incorporated Law Society, have tendered a very hearty invitation, and the Blackpool Corporation have generously offered entertainment for those who will be attending which I am assured other corporations may find it hard to beat in future years. I hope that we shall have a really large meeting and that you may now make a note of the dates and decide to come. The dates will be from the evening of Tuesday, the 20th, to Saturday, the 24th September. Details of the programme will be published in the Society's *Gazette* as they are worked out.

LEGAL AID AND ADVICE BILL

The subject which has kept the Council most fully engaged during these recent months has been, not unnaturally, the Legal Aid and Advice Bill. That Bill was introduced into the House of Commons on the 18th November and read a second time on the 15th December, when it was committed to Standing Committee "A." That committee have yet to dispose of the Coal Industry Bill, and it will no doubt be some time before progress with the Legal Aid Bill is made.

Having regard to the statements made in the House of Commons and in the Press about the lack of consultation upon the Scottish Legal Aid Bill, I am doubly glad to take this occasion to acknowledge the very close collaboration and consultation which there have been with both branches of the legal profession in England by the Lord Chancellor's Department in connection with the preparation of our Bill.

The Council have not concluded their negotiations with regard particularly to Pt. II of the Bill, which deals with legal aid in criminal cases. The Legal Aid Committee have had discussions with a group of London solicitor-advocates and as a result representations have been made to the Lord Chancellor's Department and the Home Office which have succeeded in securing that counsel may be briefed in courts of summary jurisdiction under the scheme, and that solicitors and barristers will be remunerated on the basis of work done instead of by the quite inadequate scales of remuneration which have been in operation under the Poor Prisoners' Defence Act, 1930.

We have also been in negotiation with the Lord Chancellor's Department and the Treasury with regard to the financial arrangements and the forms of account and so on. The work has been heavy and the

Legal Aid Committee have met more than twenty times since July last.

I imagine there are not many solicitors now who are not fully informed about the scheme. Members of the Council and the Secretary have addressed many meetings of solicitors up and down the country on the subject, but if there are any members of the Society who wish to know what the Scheme is all about, they may obtain on application to the offices a small booklet setting out verbatim a lecture delivered by the Secretary on the 8th and 15th December in this Hall on the Legal Aid and Advice Scheme generally.

Apart from the provisions of the Bill, the Legal Aid Committee have been dealing with a mass of detailed business which must be disposed of before the administrative arrangements can be completed. Negotiations have been concluded with the Provincial Law Societies as regards the legal aid area boundaries, and these have now been finally fixed, as have the cities where the area headquarters will be. The Grouped Law Societies throughout the country have all formed or are in the process of forming provisional area committees, so that they can press forward the administrative arrangements that must be made in each area before the scheme comes into full effect.

As regards London, we propose that certain London members of the Council should combine with those gentlemen who have sat as chairmen of the London Poor Persons Committee, in order to select those to be appointed as the first London Area Committee.

A number of the provisional Area committees have also either settled or are in the process of settling for submission to the Legal Aid Committee here a scheme which will set out the places where local committees will be situated and the places where legal advice should be given and the staff which will be required.

Costs of Litigation

Another committee which has been working overtime, if I may say so, is the Special Committee considering that difficult subject—the costs of litigation. That Committee have received most valuable assistance from their members with special experience in litigation who are not themselves members of the Council, and they have so far submitted to the Departmental Committee, of which Lord Justice Evershed is the Chairman, ten memoranda of evidence, and have given oral evidence on a number of occasions, with a view to securing the reorganisation of the work of the courts and so of reducing the expense to the litigants.

To the four memoranda set out in the appendix to the Annual Report for 1947 a further six have now been added, the last two of which deal exclusively with solicitors' remuneration in contentious matters. We have expressed the view that solicitors are underpaid rather than overpaid for the work which they do in litigation, but that the method of solicitors' remuneration invites criticism because (except so far as the item "instructions for brief" is concerned) it takes no account of the amount at stake or the complexity of the matter. The Council have advocated that detailed charges should be dispensed with altogether and that the sum which a solicitor should be entitled to charge his client should be such sum as may be fair and reasonable having regard to all the circumstances of the case, including the complexity of the matter, the difficulty or novelty of the questions raised, the amount or value of the money or property involved, the importance of the matter to the client and the skill, labour, specialised knowledge and responsibility involved on the part of the solicitor as well as the time expended by him on the case.

The Supreme Court Committee have not yet produced any report.

I am glad to be able to add that this subject is among those which are being considered by the Joint Committee with the Bar, so that so far as we possibly can we may submit evidence which represents the joint views of both branches of the legal profession.

The Joint Committee have so far submitted one memorandum on the subject of fixed dates for trial.

Remuneration in Non-contentious Matters

Now I want to say a word upon the subject of solicitors' remuneration in non-contentious business. You all know that the Council submitted a memorandum to the Lord Chancellor in April last, of which a copy was printed in the Appendix to the Annual Report which was adopted at the General Meeting last July.

You are all aware that solicitors' remuneration in non-contentious business is fixed, not by the Society itself, but by the Statutory Committee set up under s. 56 of the Solicitors Act, 1932. By virtue of my office, I am myself a member of that committee and so is the President, nominated by the Lord Chancellor, of one of the Provincial Law Societies. We two are, however, the only solicitors on that committee, the other members of which are the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls and (so far as charges in respect of registered land are concerned) the Chief Land Registrar.

Discussions have taken place upon our memorandum with the Lord Chancellor, the Master of the Rolls and the Chief Land Registrar. Subject to certain difficulties relating to registered land (to which, I believe, a reasonable solution could have been, and still can be, found) and to the fact that both the Lord Chancellor and the Master of the Rolls think that certain safeguards are desirable if the new proposed Sched. H is to come into operation, I think I may safely say that we convinced them of the justice of the claims which we made in the memorandum. Unfortunately, however, the Government take the view that no increase in solicitors' remuneration should be allowed at the present time in the light of the policy set out in the White Paper on personal incomes and expenditure. Until the policy of the Government changes, therefore, the Lord Chancellor takes the view that his hands are tied in the matter and that for the present at any rate there is no immediate prospect of the memorandum being implemented. This, I know, is a serious disappointment for you, and particularly for those practising in London and other big cities who are severely hit by the tremendous rise in clerks' salaries and other overhead expenses of their offices.

The decision has only just recently been communicated to the Council, who will have to consider the matter afresh in the light of the White Paper policy, which they had not regarded as being applicable to the case we have put forward.

Moreover, we must in any event see that everything is ready for the making of the necessary Remuneration Order if and when the Government's policy is changed. Finally, let me say that, if the Government should agree in the meantime to increases in the remuneration of other substantial bodies of persons, whether professional or otherwise, this would certainly provide grounds for the Council to press for immediate reconsideration of the present attitude towards increases in solicitors' remuneration.

The Lord Chancellor, I am glad to be able to add, has in any event informed me that he will be prepared to reconsider the matter later in the year, when he hopes that the situation may be more favourable from our point of view.

Remuneration of Salaried Solicitors

While I am on the subject of remuneration, it may not be inappropriate if I refer to the work which has been done by the new Committee of the Council, called the Salaried Solicitors Committee, upon which there are serving in addition to Council members a number of solicitors holding salaried appointments who are not members of the Council.

That Committee have prepared a memorandum for submission to the National Joint Council for Local Authorities Administrative, Professional, Technical and Clerical Services, relating to the minimum salaries which should be paid to assistant solicitors in the Local Government Service.

The Committee are also continuing their efforts to obtain direct representation on the National Joint Council itself. Furthermore, at the request of both the solicitors and barristers employed by the Central Electricity Board and the Area Boards, the Salaried Solicitors Committee have, with the approval of the General Council of the Bar, asked the Central Electricity Authority that The Law Society should be recognised as the negotiating body for such solicitors and barristers under s. 53 of the Electricity Act, 1947. In support of this request the Committee have attended by deputation on Lord Citrine and the other full-time members of the Central Electricity Board, who have promised to give the matter careful consideration.

The Committee have also been considering the position of salaried solicitors in offices of private practitioners, and sent out in November last to some 300 firms of solicitors chosen at random a questionnaire asking for particulars of the salaries at present being paid to assistant solicitors in those offices. The Committee are hoping that the statistical information which they may thus be able to obtain may be of assistance to them in considering whether any action is required in the interests of such solicitors.

If any members of the Society have any suggestions in this connection which they may care to make, the Committee will be glad to consider them.

Departmental Committee on Leaseholds

Next, I wish to say a word or two upon the work of the Scale Committee, who have submitted two memoranda of evidence to the Departmental Committee on Leaseholds, under the chairmanship of Lord Uthwatt. A third memorandum is under consideration. Oral evidence has also been given before that Committee by the Chairman of the Scale Committee and myself. The memoranda will be printed in the annual report for 1949, but I may say in brief that the Council are not in favour of leasehold enfranchisement but have recommended that not only a tenant of business premises but also a tenant of premises used for professional purposes should, if in occupation, have a discretionary right of renewal of his lease under provisions similar to those contained in the Landlord and Tenant Act, 1927.

Law Society's Conditions of Sale

Arising out of the Town and Country Planning Act, 1947, we have had to revise The Law Society's Conditions of Sale. This has not been an easy matter, more especially because of the difficulty in deciding how far the onus of disclosing the town planning position and the user of the property on the 1st July, 1948, should be placed upon the vendor.

The Council hope that the new Special Condition which they have prepared will be regarded by the profession as providing a fair solution of this problem as between vendor and purchaser, and that the profession will accept it.

In connection with the use of The Law Society's Conditions of Sale, I would remind provincial members that by using the printed forms they assist the finances of their own Provincial Law Society.

Forms of Additional Inquiries of Local Authorities

The forms of additional inquiries of local authorities to accompany official certificates of search in Local Land Charges Registries have also had to be revised in the light of the Town and Country Planning Act. These revised forms should be on sale at the offices of The Solicitors' Law Stationery Society, Ltd., by the end of this month.

Members will find that there are now three forms instead of two—the third form relating to inquiries of county borough councils. All the local government bodies concerned have promised to co-operate by

recommending their members to answer the inquiries on these forms and solicitors themselves will assist if they strike out any inquiries which may not be applicable to the circumstances of any particular case.

Solicitors, Public Notaries, etc., Bill

As you will all be aware, by the Finance Act of 1947 the duty on practising certificates was reduced from £9 for London solicitors and £6 for provincial solicitors respectively to the nominal sums of 9s. and 6s. and there were corresponding reductions in the half-rate duties. The last annual report stated that the total abolition of the duty would involve a new Solicitors Bill to provide for the consequential amendments of the existing Solicitors Acts. The new Bill has now been introduced into the House of Commons and is entitled " The Solicitors, Public Notaries, etc. Bill," the long title of which is " To repeal the enactments requiring certain legal practitioners in Great Britain to take out stamped practising certificates and to make consequential provision as to their right to practise and other matters." The intention is that the Act will come into force on the 1st November, 1949, by which date the nominal duty now payable on the practising certificates will have been abolished. It is satisfactory that at long last this unfair and discriminating taxation imposed upon one branch of the legal profession originally for the purposes of paying for the War of American Independence is at last to be discontinued.

Retirement Benefits

The Council have also been giving attention to another problem which affects most professions, but perhaps especially our own. I refer to the impossibility, with taxation at its present level, of providing for living expenses, retirement and capital and goodwill commitments out of taxed income. Formerly our profession has been a career open to the talents. It has been possible to accumulate funds to provide capital and goodwill payments out of profits and in consequence the command of a substantial amount of capital has not been a necessary prerequisite to entry into the profession. It is not possible to charge against profits any provision towards superannuation for a solicitor in private practice, nor any provision for accumulating funds to meet capital or goodwill commitments.

This is a serious situation and unless some solution is found the advantages of salaried employment as compared with private practice must lead to a draining away from private practice of solicitors unless they are able to command capital.

The Council resolved that the matter must be examined and if necessary taken up with the appropriate Government authorities. Bearing in mind that the success of the Legal Aid Scheme is dependent upon a healthy private practice, we feel that our representations should receive sympathetic consideration.

But the question raises difficult matters of tax law and practice and also affects other professions.

We have set up a committee to study the matter and on that committee we have the advantage of a number of solicitors from London and the Provinces in addition to members of the Council. We have invited the Institute of Chartered Accountants to join in this work. I am glad to say that this invitation has been accepted and a number of the leading chartered accountants have been nominated to form a joint committee with our committee. The Joint Committee are now at work, and we hope will soon be ready with proposals which can be urged upon the authorities with the joint backing of both professional bodies and, we may also hope, with the support of others.

I regard this matter as one of the most important we have ever attempted to deal with.

International Bar Association

Members will know from The Law Society's *Gazette* that at the Second Legal Conference held at The Hague in August last by the International Bar Association, The Law Society was able to be represented by ten official delegates, the maximum number which under the constitution of the International Bar Association may attend and vote on behalf of each member organisation.

There is every likelihood of the next and Third Legal Conference being held in London in the Summer of 1950, and if the invitation of The Law Society and the Bar Council is accepted by the Executive Council of the International Bar Association, we shall have to make preparations for a big conference, which I hope will be supported by many members of The Law Society.

Conférence Juridique Franco-Anglaise

While I am on the subject of international conferences, I may mention also the conference which is to be held in Paris in the Spring of this year. This conference is the logical and very pleasing consequence of the conference which The Law Society convened in London in the Spring of 1947, when representatives of the French legal profession attended for a week, and discussed a limited number of subjects from the point of view of the practising lawyer.

Although the numbers which will be invited to attend in Paris must of necessity be restricted, an invitation has already been issued through The Law Society's *Gazette* for members who may be interested in this matter to inform the Secretary, so that a strong team may be taken over by The Law Society when we come to pay our return visit to our French colleagues.

The exact date of the meeting has not yet been fixed, but it will probably be either in Easter week or Whit week. The Law Society's delegation will be accompanied by representatives of the Bar and the Society of Public Teachers of Law. The subjects for discussion will be divorce procedure, trustees, copyright and juvenile delinquency.

Membership of The Law Society

Now I want to turn for a moment to rather more domestic matters and to refer first of all to the drive for new members of this Society. This time last year the membership of the Society was approaching the 13,000 mark. I am glad to be able to report to you to-day that as a result of the campaign to increase the membership of The Law Society on a voluntary basis, and largely as a result of the most valuable contribution made by the Provincial Law Societies towards this drive, the membership is now nearing 14,000. This means that the drive has made and is making satisfactory progress. Nevertheless, it is still only progressing and has not yet achieved its goal. As you know, the view has been taken that it is preferable to have nearly 100 per cent. membership on a voluntary basis rather than compulsory membership. There are at the moment some 15,955 practising solicitors, of whom 3,082 are still not members of the Society. There is, therefore, plenty of scope for recruitment, and I do urge all members of the Society to do their best to persuade those 3,000-odd practising solicitors, as well as any non-practising solicitors you may know who are not members, to join the Society and give it the support which I confidently assert it deserves.

Refresher Courses, Pamphlets, etc.

The Council on their part have been taking all the steps they can to give direct help to members in a more personal way.

By way of directly assisting those in practice to keep abreast of the law, the Council have pursued their policy of arranging for the delivery of lectures, and in the Autumn a series of six such lectures was given in the Hall of the Society here on recent changes in the law. Between 800 and 900 members attended each of those lectures, which appear to have received the approval of and to have been appreciated by those who attended.

I may say that the Council hope to provide a similar refresher course each year.

The Council realised that attendance at these lectures must necessarily be limited to a large extent to members who practise in or near London. They accordingly arranged for transcripts of all the lectures to be reproduced in pamphlet form so that they may be available to members unable to be present when the lectures are delivered. I ought to add here that the pamphlets are in fact the transcripts of the lectures which were prepared for delivery orally and were not primarily intended for circulation as a written treatise.

After the conclusion of the refresher course of lectures, the Secretary, as I have said earlier, delivered his lecture on the subject of the Legal Aid and Advice Scheme, and a transcript of that lecture has been made available for members. The demand for this is also very great and a reprint is being made. The Secretary will be delivering a similar lecture twice again in a few weeks' time, when admission will be open to members and their managing and articled clerks.

In addition, we have published for the use of members a pamphlet by Mr. J. Gordon Stanier on the Agriculture Act, 1947, and the Agricultural Holdings Act, 1948, in the hope and belief that it may be of assistance to members in dealing with this legislation.

The Council propose to pursue their policy of issuing such pamphlets from time to time as the occasion may demand.

Articled Clerks

As regards articled clerks, the Council decided early in 1948 to make arrangements whereby all applicants for permission to enter into articles of clerkship should be interviewed by members of the Society, who would report to the Council on each applicant who sought to satisfy the Society under s. 2 of the Solicitors Act, 1936, as to his or her character and fitness and suitability for service under articles. Nine Interviewing Panels have been set up in London and twenty-one others at centres throughout the country. I would point out that these panels are not concerned with the applicant's scholastic ability. They are concerned only with whether he or she is a fit and proper person to be permitted to enter into articles. Where an Interviewing Panel have any doubt about any particular applicant, a special report is made to the Council and the applicant is interviewed by a committee. Since the end of June last, when the first panel met, 529 intending articled clerks have been interviewed by the panels and fourteen have been referred to the Committee.

The Articled Clerks Committee of the Council have had under review the syllabus for the Preliminary Examination, which the Council have not recently been satisfied is of a sufficiently high standard. The general view of the Council is that the syllabus for the Preliminary Examination should be amended so that that examination may approximate more closely to the standard required for matriculation. Full details of the new syllabus have not yet been worked out and it is unlikely in any event that it will come into force until 1950 at the earliest.

Solicitors' Managing Clerks

The Council have also been considering the position of solicitors' managing clerks and have had under review the possibility of assisting them by the institution of some examination which might lead to the grant of a certificate of ability. The Council have now set up a Joint Committee, members of which are members of the Society and members of the Council of the Solicitors' Managing Clerks' Association. This Joint Committee have been considering the form which these examinations for solicitors' managing clerks should take. It is hoped that it may be possible to publish the syllabus in the very near future. The examinations, I should explain at once, will be open to all solicitors' clerks who can show that they have had ten years' experience as such clerks and will not be restricted to solicitors' clerks who are members

of the Solicitors' Managing Clerks' Association. The intention is that certificates will be granted to candidates who are successful either in specialised subjects or in wider fields, and there will be nothing to prevent a clerk from obtaining both a specialist and a general certificate. I would add that, while it is hoped to hold the first examination for the certificates in November, 1949, it is in no way the intention that the examination, which will be conducted by the Society and the Solicitors' Managing Clerks' Association jointly, should replace or qualify for exemption from any part of the Society's Preliminary, Intermediate or Final Examinations.

German Law Students

While I am on the subject of articled and managing clerks, I wish to refer to one other matter connected with legal education which is of some general interest. In October, 1948, The Law Society, at the request of the Foreign Office, arranged for a course of lectures to be provided at the Society's School of Law in London for German law students, whom the Foreign Office desired to be instructed in the basic principles of English law. Lord Henderson, the Permanent Under-Secretary of State for Foreign Affairs, was present when I formally welcomed the first batch of German students at the opening of the first course of the series. It was attended by twenty-five students, three of whom were women. The course included lectures and discussions on English law and the English Constitution, and the students visited the courts, the Houses of Parliament, the Society's offices and the offices of certain practising solicitors who were kind enough to offer to show the German students round them.

The primary object of these courses is to give young German lawyers an idea of the background of and the principles underlying the British legal system, and we have been assured by the Foreign Office and by the Director of Education in the British Zone in Germany that as regards the first group of students a considerable measure of success was obtained. The second course is to begin in February and two further courses will follow. We have been asked, indeed, whether we would be prepared to provide still further courses after these first four have been concluded.

If there are any members in London who would be prepared to show a small group of these students round their offices one afternoon, or if there are any members in or near London who would be prepared to invite any of the students in a personal capacity to their homes, we shall be very glad to be informed, because it is hoped in this way to inculcate into the rising generation of German lawyers some of the principles which we in this country regard as fundamental to our way of life.

Services Divorce Department

Finally, I want to conclude with a short report on the achievements of the Services Divorce Department of the Society in disposing by the end of September last of the arrears of Service cases which the Lord Chancellor was anxious should be dealt with within two years. We published in the *Gazette* for December, 1948, a summary of the report which the Council made to the Lord Chancellor, indicating that this object had been achieved. The task was no light one, for on the 30th September, 1946, The Law Society held 30,380 Service divorce cases, of which 26,384 had then to be heard. Since that date 8,195 new cases have been received and yet only 1,934 remained to be heard at the 30th December, 1948.

The conducting solicitors in the Divorce Department are now helping to dispose of the arrears of civilian poor persons cases, which we hope will be done by the end of the current year, so that when the Legal Aid and Advice Scheme comes in we may start with a clean sheet. Combining the figures in Service and civilian cases, the conducting solicitors in the year ended the 30th September, 1948, obtained 13,480 decrees *nisi* and 15,345 decrees absolute.

HERE AND THERE

MAGICIAN'S PROBLEMS

There has been a mixed bag of legal news, rumour and report of late, but perhaps the most disenchanting concerns the limitations of the powers of abracadabra, the pentagon or whatever formulæ of white magic it is that that notable wizard Judge Wethered invokes to achieve his results. One bishop, three judges and 250 solicitors, assembled at a Law Society dinner at Exeter, have been known to bear joint, several and simultaneous witness to his abilities as a benevolent sorcerer. His is a name to conjure with; for aught that anyone can tell to the contrary, he can call spirits from the vasty deep but apparently, so run the most recent reports from Bristol County Court, he cannot conjure with arabic numerals. After a long but fruitless tussle with a rent calculation, he is said to have declared: "The sight of a row of figures simply makes me dizzy. I shall adjourn the case until after lunch and have another go in my chambers." More successful was his excursion, about the same time, into the realm of quasi-Admiralty jurisdiction involving a point of seaworthiness—the seaworthiness of a battery-driven toy speedboat. The problem he solved according to the best Admiralty principles, in fact by the method employed in *Queen Mary* (*Owners*) v. *Curacoa* (*Owners*), now awaiting judgment in the Lords, the method of tests in a model tank. True, at Bristol (that nursery of seamen), the robing-room wash-basin sufficed for the test, but it was enough to establish seaworthiness to the satisfaction of His Honour and, no doubt, the contentment of the vendors.

CHRISTENING EVENT

Another item of recent news is that Joanna, only daughter of the Attorney-General and Lady Shawcross, will shortly embrace and make public profession of the Christian faith in the crypt of the House of Commons, having attained the mature age of five months. It was, of course, essential that so momentous a step should not be undertaken without the full support and advice, legal, moral and theological, of both her parents, and if she has lingered so long in the twilight of infant paganism it is because all her father's energies have been divided between fighting the good fight for international justice at the United Nations Conference in Paris and for public integrity before the Lynskey Tribunal at Westminster. Besides which, her mother suffered an accident by act of God, falling on the stairs of her Sussex home. The unforeseen result of the delay is that the now eager catechumen has outgrown the family christening robe, and that somehow or other another must be found worthy of the solemnity of the occasion and her godfather-elect, Mr. Attlee. Her rapid growth is in nowise surprising, since it is credibly reported that infants fare well in the household of the Attorney-General. When her elder brother, William, was but little beyond her present age he was, it seems, all unconsciously absorbing the paternal butter and margarine ration, sacrificed to his welfare. "My husband is very noble in this way," said Lady Shawcross at the time, and this patent of nobility was reinforced with a certificate of efficiency, from the same source, in the art and mystery of queueing, shopping, and even the more advanced branches of cookery.

FROG MONEY

The name of the hamlet of Peace, in Cornwall, suggests an arcadian simplicity, but Judge Scobell Armstrong, sitting at Redruth nearby, was not well prepared for the shock of learning of the local currency of frogs in which the inhabitants transact their affairs at a rate of exchange of 100 to the £. There has been nothing like it since *Board of Inland Revenue* v. *Haddock*, Sir Alan Herbert's great case of the negotiable cow inscribed and signed as a cheque and tendered in payment of income tax. Here the claim was for 1,500 frogs, being the balance due on the sale of a motor-cycle for 2,500 frogs. The learned judge was quick to observe that "no more inconvenient currency could have been found since it is a form of great mobility, apt to disappear with even greater rapidity than pound notes." The fairy gold which turns to oak leaves in the night is stable by comparison and imagination lingers with delight over the possibilities unfolded. What if the defendant had been advised to make a payment into court? Did the legal advisers to the parties conform to local custom, charging so many frogs for the letter before action or marking so many more on counsel's brief? Angels we have heard of in medieval currencies, and a modern financier, assuming the sovereignty of Lundy Island, minted a puffin currency, but in each case the matter was one of symbolic decoration. Here Pharaoh's problem repeated itself, and the croaking chorus of the Frogs of Aristophanes came near to sounding in the very temple of Themis. The explanation? Neither a primitive survival nor an enclave of frog-eating Gauls—just the needs of medical research workers; but Peace thinks in terms of frogs more surely than Newcastle does in terms of coals.

Richard Roe.

The February, 1949, issue of the *Studio* includes an article describing with illustrations the collection of modern British paintings owned by Mr. W. A. Evill, solicitor, of Hampstead. The article reproduces a pencil portrait of Mr. Evill by Gilbert Spencer.

During his term as civic head of Kidderminster, Commander John E. Talbot, solicitor, has filled the chair at his Masonic lodge and introduced many innovations, which included a holiday link-up scheme with Southsea for Kidderminster carpet workers, and a frequent "get-together" for senior corporation officials.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of THE SOLICITORS' JOURNAL*]*

Legal Aid and Advice Bill

Sir,—I should like to endorse the views expressed by Mr. Rawlence in his letter published in your issue of the 15th inst. [*ante*, p. 39].

A "means test" such as is envisaged by the Bill would be distasteful to most middle-class litigants, and a certificate from the Inspector of Taxes would appear adequately to cover the question.

It is clearly the duty of a solicitor to do everything possible to settle disputes between parties before engaging in litigation, and unless the "panel" lawyer is allowed to take charge of the case from its inception, and in proper cases advise against litigation on common sense rather than purely legal grounds, one can foresee the Act as producing a crop of litigation arising out of "garden fence" quarrels which will be profitable to no one, and to the taxpayer least of all!

London, W.C.2. RICHARD M. SNOW.

Sir,—I am venturing to reply to Mr. Goodman's comments on my recent letter [*ante*, pp. 11, 39].

I have always conceived it to be our duty to endeavour to procure for our clients the maximum amount of damages which can properly be claimed. I can well understand that Mr. Goodman finds that an insurance company will almost always settle a claim if the basis upon which cases are settled is that any reasonable offer is accepted.

S. J. GREEN, *Hon. Secretary*,
Peterborough. Peterborough and District Law Society.

Town and Country Planning Act, 1947

Sir,—Whilst attention has been focussed on certain aspects of the Town and Country Planning Act, 1947, others of considerable importance have been largely, if not almost entirely, overlooked. A remarkable instance of such oversight is to be found in the lack of attention being paid to the prospective depreciation of the site value of fully developed land. When rebuilding becomes necessary, loss of site value may be anticipated, in consequence of the powers contained in the Act, whereby existing building byelaws may be suspended and whereby a policy, entailing drastic restriction of the present profitable usage of fully developed building sites, will be enforced. It will be found that the power to suspend byelaws is contained in s. 13 (4) of the 1947 Act. This policy, whilst being admirable from the point of view of amenities, will necessarily result in loss of site value. In respect of such eventual loss as the Act entails in consequence of this policy, it appears that claims for payment out of the £300,000,000 reserved as compensation to those who will suffer hardship would be possible.

The building policy of the Ministry of Town and Country Planning in connection with urban land is defined in "The Redevelopment of Central Areas," published in 1948 by the Ministry. From this publication it is clear that the Ministry will not only restrict the coverage of sites, at present fully developed, when rebuilding becomes necessary, but will also limit the floor space index and insist upon lower buildings being erected so as to ensure the enjoyment of better natural illumination in adjoining structures. In this way, there will be loss of lettable floor space, loss of rent and consequently loss of site value, which is controlled by gross rental value. As rents will probably fall when building is generally resumed and the present shortage ceases, there is no prospect of any amelioration owing to increase of rental value. The effect of the Daylighting Control (paras. 162–166 in "The Redevelopment of Central Areas") is not generally understood. On certain sites, it will mean that the gross rentals and consequently the site values will be depreciated about 50 per cent. It is important to remember that all claims must be delivered not later than the 30th June next.

JOHN SWARBRICK.

Temple, E.C.4.

[No order exercising the powers contained in s. 13 (4) has, so far as we know, been made. It is to be observed that any such order is subject to annulment by resolution of either House of Parliament, and if the order excludes or modifies any public general Act (with certain exceptions set out in Sched. II to the Act) the order is of no effect until approved by resolution of each House: see s. 13 (5).—ED.]

NOTES OF CASES

HOUSE OF LORDS

FACTORY: LIFT: OCCUPIER'S ABSOLUTE OBLIGATION

Galashiels Gas Co., Ltd. *v.* O'Donnell or Millar

Lord Normand, Lord Morton of Henryton, Lord MacDermott and Lord Reid. 20th January, 1949

Appeal from the Court of Session, Second Division.

The husband of the plaintiff had been employed in the works of the defendant gas company. He was engaged in moving coke, which involved loading it on to a bogie, going up with the bogie in an electrically operated lift to the first storey, running the bogie out along a gantry and emptying it, and then going down again with the bogie in the lift. With the mechanism working properly, it was impossible for the lift to move while the gates to the lift shaft on any storey were open. The deceased, having reached the first floor with a loaded bogie, switched off the power in the lift and left the lift gates open while he emptied the bogie. By the time he got back to the lift gates the lift had moved upwards in the shaft. He did not notice what had happened, ran the bogie through the gates, and fell with it down the lift shaft, receiving fatal injuries. Immediate examination by a firm of lift engineers showed that the accident had happened because the lift brake was not working at the time of the accident; but dismantling and examination of the whole mechanism revealed no reason for the failure. When reassembled, the mechanism worked perfectly and continued to do so, as it had without incident for at least nine years before the accident. That isolated failure of the mechanism remained without explanation. By s. 22 (1) of the Factories Act, 1937, "Every . . . lift shall be of good mechanical construction, sound material . . . and be properly maintained." By s. 152 (1) "'maintained' means maintained in an efficient state, in efficient working order, and in good repair." The Lord Ordinary's judgment for the plaintiff was affirmed by the Court of Session. The gas company appealed. The House took time for consideration.

LORD MORTON—the other noble and learned lords agreeing—said that the plaintiff's contention, successful in the courts below, was that she had established a breach of statutory duty by the gas company simply by proving that the lift was not in working order at the material moment. The company contended that she must be able to point to some step which they had omitted to take and the failure to take which had caused the accident. Admittedly she had failed to prove any such failure. The words of s. 22 (1) were, however, imperative: they imposed on the company an absolute and continuing obligation which they failed to discharge if at any time their lift mechanism was not maintained as the subsection prescribed. Appeal dismissed.

APPEARANCES: *C. W. G. Guest*, K.C., and *J. O. M. Hunter* (*J. K. Edmondson & Co.*, for *J. Gilson Kerr*, W.S., Edinburgh); *James Walker*, K.C., *R. M. Johnston* and *N. Vincent* (*Hy. S. L. Polak & Co.*, for *Frederick Robinson*, Edinburgh).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

COURT OF APPEAL

MARKET OVERT: CAR BOUGHT IN MARKET

Bishopsgate Motor Finance Corporation *v.* Transport Brakes, Ltd.

Bucknill, Singleton and Denning, L.JJ. 30th November, 1948

Appeal from Humphreys, J. (92 SOL. J. 246; 64 T.L.R. 163).

The plaintiffs let a car on hire-purchase. The hire-purchaser wrongfully sold the car to a garage proprietor, who bought it in good faith and without knowledge of the vendor's defective title in the following circumstances: The car was put up for sale at a public auction at Maidstone public market. Such auction sales had been held in that market for many years. The reserve price not having been reached, the car was withdrawn from the sale. While the garage proprietor was looking at it in the market place, the hire-purchaser approached him. After some negotiation, a bargain was struck, and the garage proprietor paid for and took delivery of the car. It was market day, and articles of many kinds were habitually sold direct to members of the public at that market. The garage proprietor sold the car in due course to the defendant company, who brought him in as third party when this action was brought against them by the plaintiffs. Humphreys, J., held that the car had been sold in market overt according to the usage of Maidstone market, and gave judgment for the defendants. The plaintiffs appealed.

BUCKNILL, L.J., said that it was for the original owner of the car to show that the sale was not in accordance with the usage of the market (*Comyns* v. *Boyer* (1596), Cr. Eliz. 485). *Moyce* v. *Newington* (1878), 4 Q.B.D. 32, resting as it did on an admission, was not an authority for saying that market overt could not rest on a statute but only on a grant. *Ganby* v. *Ledwidge* (1876), 10 Ir. Rep. C.L. 33, showed that market overt did extend to markets established by statute. There was also no authority for the plaintiffs' contention that, to secure the protection of market overt, goods must be put up for sale by a trader in the market. The sale of the car by the auctioneer on behalf of the possessor would have been valid, and sale by the possessor himself was equally so. The evidence was that a dealer, after he had put up a car for sale by auction in the market, could subsequently sell it there by private treaty. It would have been a different matter if there had been proof that a car had never been sold in Maidstone market except by public auction. The sale here had been made in market overt in accordance with the usage of Maidstone market, and the buyer had obtained a good title.

DENNING, L.J., who, like SINGLETON, L.J., agreed, said that the registration book of a car, while not a document of title, was the best evidence of title. If the true owner kept the book safe in his own possession it was unlikely that any stranger would acquire a good title to the car. The hirer here had been able to dispose of the car unlawfully because the plaintiff hire-purchase company had not taken that course. Appeal dismissed.

APPEARANCES: *I. H. Jacob* (*M. & H. Shanson*); *Skelhorn* (defendants); *Peter Lewis* (third party) (*Rider, Heaton, Meredith and Mills*, for *Osborne, Ward & Co.*, Bristol).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

KING'S BENCH DIVISION

ROAD TRAFFIC: "ALTERED CONDITION" OF LORRY

Lowe and Another *v.* Stone

Lord Goddard, C.J., Hilbery and Birkett, JJ.

26th November, 1948

Case Stated by Kidderminster Justices.

The defendants were charged with using a licensed motor lorry in an altered condition which brought it within a class of vehicle to which a higher rate of duty was applicable. It was registered as a goods vehicle weighing not more than 3 tons unladen, and the duty payable in respect of it was £35 a year. The alteration alleged to have been made in the lorry increased its weight by some 2 cwt., so that it weighed just over 3 tons, and so was liable to an annual duty of £38 15s., and consisted of fitting boards to the sides of the vehicle which raised their height and made it possible for a greater load to be carried. The boards were attached to the sides by slots, were easily removable, and were only used when the lorry was required for carrying coal slack. It was contended for the prosecution that the lorry had, while licensed, been used in an "altered condition" within the meaning of s. 14 (1) of the Finance Act, 1922, so as to attract a higher rate of duty, and that the added boards would have to be taken into account in arriving at the weight of the lorry because they were "alternative parts" within the meaning of s. 26 of the Road Traffic Act, 1930. The justices convicted the defendants, and they now appealed.

LORD GODDARD, C.J., said that a merely temporary use of a vehicle in an altered condition was enough to create liability to a penalty, since s. 14 (1) referred to use in an altered condition and not to alteration of a vehicle. The side boards could not be excluded from the weight of the vehicle as being "loose equipment" within the meaning of s. 26, but constituted "alternative parts" within the meaning of that section and must be taken into account in arriving at its weight. *Darlington* v. *Burton* [1928] S.C. (J) 11, was distinguishable. It concerned trays for carrying bread in a baker's van, which trays tended to diminish the load which the van could carry, whereas the boards here rendered the carrying of a greater load possible. Appeal dismissed.

APPEARANCES: *D. Karmel* (*Mawbie, Barry & Letts*); *John Foster* (*Treasury Solicitor*).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

MINIMUM PENALTY: STRICT PROOF OF "SPECIAL CIRCUMSTANCES"

Roberts *v.* Colwyn Bay Dairies, Ltd., and Another

Lord Goddard, C.J., Hilbery and Birkett, JJ.

26th November, 1948

Case Stated by Colwyn Bay Justices.

The respondent company and its managing director were convicted of selling some 25,780 gallons of milk otherwise than in accordance with a permit during a period of six months, contrary to art. 4 (1) of the Milk (Control and Maximum Prices) (Great Britain) Order, 1945, as amended. Articles 1 (D) and 1 (E) of reg. 55 of the Defence (General) Regulations, 1939, required that in such a case the defendants should be fined not less than "such an amount as will . . . secure that the offender derives no benefit from the offence . . ." unless "having regard to any special circumstances, the court thinks that there is good reason for not imposing a fine or for imposing a fine of less amount." It was submitted before the justices that there were "special circumstances" on which they could act. They accepted that submission on a mere statement of the alleged special circumstances, and did not require the existence of those circumstances to be proved by evidence. They imposed merely nominal fines in consequence, and the prosecutor appealed.

LORD GODDARD, C.J., said that the justices were not entitled to find special circumstances until proper evidence of them had been given; instead of which they had apparently accepted mere statements on the point. "Special circumstances" in art. 1 (D) of reg. 55 meant circumstances special to the offence and not to the offender as they were here. Circumstances such as the difficulty of ascertaining the true sales figures, delays in the allocation of licences to new businesses taken over by the respondent company, inefficient roundsmen, etc., even if proved, were none of them "special circumstances" entitling the justices to impose no, or a nominal, fine. The case must be remitted to the justices with a direction to them to ascertain the benefit derived from the offences, which would indicate the minimum penalty which might be imposed. Appeal allowed.

APPEARANCES: *John Foster* (*Treasury Solicitor*); *Glyn-Jones*, K.C., and *Moss Jones* (*Preston, Lane-Claypon & O'Kelly*, for *Edward Hughes*, Rhyl).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

BRAKES ON MOTOR VEHICLE: CHARGE UNDER WRONG REGULATION

Unwin *v.* Gayton and Another

Lord Goddard, C.J., Humphreys and Finnemore, JJ.

17th January, 1949

Case Stated by Cambridge Justices.

The respondents, respectively the driver and the owner of a motor lorry, were charged on information with using and permitting the use of a motor vehicle on which a certain part of the braking system was not maintained in good and efficient order and properly adjusted, contrary to reg. 68 of the Motor Vehicles (Construction and Use) Regulations, 1947. By reg. 34 of those regulations the brakes of a motor vehicle must operate on not less than half the number of its wheels. While the foot-brake of the lorry in question operated on four of the six wheels, the hand-brake operated on only two, and that deficiency was made the subject of the informations against the respondents. The justices were of opinion that reg. 68 concerned the proper maintenance of motor vehicles and not questions of design, and, as they found that the brakes had been properly maintained, they dismissed the informations. The prosecutor appealed.

LORD GODDARD, C.J., said that reg. 68 was concerned with maintenance of the brakes which were on a motor vehicle, and not with the question what brakes ought to have been on it. While it was possible that there had been an offence against reg. 34, the justices were right in dismissing the charge under reg. 68.

HUMPHREYS and FINNEMORE, JJ., agreed. Appeal dismissed.

APPEARANCES: *R. E. Seaton* (*Vizard, Oldham, Crowder & Cash*, for *Wild & Hewitson*, Cambridge); *Harold Brown* (*Bower, Cotton & Bower*, for *Hartley & Co.*, Royston).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

"RIOT": CLAIM TO COMPENSATION

Munday *v.* Metropolitan Police Receiver

Pritchard, J. 20th January, 1949

Action.

In November, 1945, a football match was due to be played on the Chelsea football ground, to which several houses belonging to the plaintiff were all adjacent. The number of those wishing to watch the match was so great that the gates of the ground had to be closed, and many persons were consequently unable to obtain admission. The persons so excluded proceeded forcibly to enter the gardens of the houses, causing damage which included broken fences, gates, gutters and drain-pipes, and damage to chimney-stacks, roofs and glass, the cost of repairing which was estimated at £175 in May, 1946. The

plaintiff now claimed that sum as compensation from the defendant, as the district police authority, under s. 2 of the Riot (Damages) Act, 1886. The defendant denied that the elements necessary to constitute a riot were present.

PRITCHARD, J., said that it had been laid down in *Field* v. *Metropolitan Police District Receiver* [1907] 2 K.B. 853, that five elements were necessary to constitute a riot: a number of persons not less than three; a common purpose; execution or inception of the common purpose; an intent on the part of the number of persons to help one another by force if necessary against any person who might oppose them in execution of the common purpose; and force or violence, not merely used in and about the common purpose, but displayed in such a manner as to alarm at least one person of reasonable firmness and courage. In his (his lordship's) opinion, all those elements were present here. It was clear from the uncontradicted evidence of the plaintiff's gardener, who had met with violence when he tried to recover his ladder from those who had climbed on to a garage, that there was a riot. The plaintiff was entitled to recover the sum claimed. Judgment for the plaintiff for £175.

APPEARANCES: *Stephen Chapman* (*Clark and Son*); *Richard Elwes* (*Ellis and Ellis*).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

LOCAL AUTHORITIES AND CLERKS: DRAWING OF MORTGAGE DEEDS

Beeston and Stapleford Urban District Council and Another *v.* Smith

Lord Goddard, C.J., Humphreys and Finnemore, JJ.
21st January, 1949

Case Stated by Nottingham Justices.

Informations were preferred against the appellant urban district council and the appellant, their clerk, alleging that they had respectively prepared and drawn four mortgage deeds, although not a barrister or duly certificated solicitor or other qualified person as required by s. 47 of the Solicitors Act, 1932, as amended by the Solicitors Act, 1941. The clerk was in receipt of an annual salary from the council, which had passed a resolution undertaking to act under the Small Dwellings Acquisition Act, 1899. Section 2 of the Act of 1899 requires a local authority to be satisfied as to the title to the property to be mortgaged and to have any advances made by them secured on the property by an instrument. In December, 1946, the council, who had previously had such work done by a firm of solicitors, decided to undertake the investigation of title and preparation of mortgages themselves, by their clerk. In 1947 they made four advances to residents, and the mortgages, the subject of the present proceedings, were prepared by the clerk, a bill being in each case rendered to the mortgagor. The amounts charged were only sufficient to cover the council's costs, and the sums paid to them as costs by the mortgagors were credited to the council's general rate fund. It was contended for the council and their clerk that they had not acted for fee, gain or reward and so were within the exception in s. 47 (1), and that the section was also inapplicable because the clerk was a "public officer drawing or preparing instruments in the course of his duty" within the meaning of s. 47 (3) (*a*). The justices held that the council and their clerk were acting *ultra vires* because, they said, by the Local Government Act, 1933, the cost of preparing and drawing the mortgages should have been borne by the general rate fund and not by the borrowers. They stated that they would not otherwise have convicted the appellants because the clerk was in their opinion a "public officer . . ." within the meaning of s. 47 (3) (*a*) of the Act of 1932. On this appeal against the appellants' conviction and fine of 10s. each on each information, the prosecutor did not seek to uphold the justices' view that the council and their clerk had acted *ultra vires*.

LORD GODDARD, C.J.—HUMPHREYS and FINNEMORE, JJ., agreeing—said that the council, by their clerk, had acted for fee, gain or reward notwithstanding that the sums paid by the mortgagors for costs were paid into the general rate fund, for they had made a charge which the mortgagors had had to pay. While different meanings could be given to the words "public officer" according to the statute in which they appeared, those words in s. 47 (3) (*a*) meant officers in a public department of State or a public department set up by statute, that was, officers whose salary was chargeable against national as distinct from local funds. Accordingly, though the justices had decided wrongly on both points, they had reached the right result. It was a case where two wrongs made one right and the convictions must stand. Appeals dismissed.

APPEARANCES: *Fitzgerald*, K.C., and *Cotes-Preedy* (*Savery, Stevens & Nutt* for *R. A. Young & Pearce*, Nottingham); *Paull*, K.C., and *Cumming-Bruce* (*Hempsons*).

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

PROBATE, DIVORCE AND ADMIRALTY

PRACTICE NOTE

12th January, 1949

Lord MERRIMAN, P., on an appeal to the Divisional Court from justices, said that it was desirable that when a matrimonial charge was dismissed by justices they should draw up a formal order of dismissal. The practice of justices differed in the matter, but the absence of a formal order of dismissal sometimes caused inconvenience in subsequent proceedings, and the practice should be universally adopted of recording orders of dismissal in exactly the same way as orders of conviction of a matrimonial offence were recorded.

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

BOOKS RECEIVED

The Town and Country Planning Act, 1947. Supplement to Town and Country Planning Law, 1946. By HAROLD B. WILLIAMS, K.C., LL.D., of the Middle Temple, Barrister-at-Law, EOIN C. MEKIE, B.L., and W. L. ROOTS, B.A. (Oxon.), of the Middle Temple, Barrister-at-Law. 1948. pp. xii, Statute and Rules 312, and Text (with Index) 59. London: E. & F. N. Spon, Ltd.; Eyre & Spottiswoode (Publishers), Ltd. 17s. 6d. net.

The Law relating to District Audit. By C. R. H. HURLE-HOBBS, of the Middle Temple, Barrister-at-Law. 1949. pp. xvi and (with Index) 269. London: Charles Knight & Co., Ltd. 35s. net.

The Rent Acts. By R. E. MEGARRY, M.A., LL.B., of Lincoln's Inn, Barrister-at-Law. Fourth Edition. 1949. pp. xlvii, 293 and (Index) 13. London: Stevens & Sons, Ltd. 21s. net.

The Agriculture Act, 1947. By JOHN F. PHILLIPS, LL.B., of Gray's Inn, Barrister-at-Law, Assistant General Secretary of The National Farmers' Union. 1948. pp. (with Index) 410. London: E. & F. N. Spon, Ltd.; Eyre & Spottiswoode (Publishers), Ltd. 30s. net.

Emmet's Notes on Perusing Titles and Practical Conveyancing, Vol. 1. Thirteenth Edition in Two Volumes. By J. GILCHRIST SMITH, LL.M., Solicitor (Hons.). 1949. pp. lxxxiv and (with Index) 623. London: The Solicitors' Law Stationery Society, Ltd. 60s. net.

The Trial of German Major War Criminals. Pt. 18. 1948. pp. xiv and 401. London: H.M. Stationery Office. 7s. net.

The Principles of Company Law. By J. CHARLESWORTH, LL.D., of Lincoln's Inn, Barrister-at-Law, Recorder of Scarborough. Fifth Edition, 1949. pp. xl and (with Index) 344. London: Stevens & Sons, Ltd.; Sweet & Maxwell, Ltd. 15s. net.

Lectures on the Town and Country Planning Act, 1947. By R. E. MEGARRY, M.A., LL.B., of Lincoln's Inn, Barrister-at-Law. 1949. pp. x and (with Index) 124. London: Stevens and Sons, Ltd. 9s. 6d. net.

The Law of Income Tax. By E. M. KONSTAM. Third Cumulative Supplement to the Tenth Edition. 1949. pp. 128. London: Stevens & Sons, Ltd.; Sweet & Maxwell, Ltd. 8s. 6d. net.

OBITUARY

MR. A. E. BOWEN

Mr. A. E. Bowen, solicitor, of Usk, Monmouthshire, died recently, aged 86. He was for fifty-eight years clerk to the magistrates of the Pontypool Division.

MR. T. O. COOKSEY

Mr. T. O. Cooksey, solicitor, of Bridgnorth, died on 20th January, 1949. He was admitted in 1908.

Wills and Bequests

Mr. W. M. Durant, solicitor, of Bournemouth, left £40,572, net personalty £39,957.

SURVEY OF THE WEEK

HOUSE OF LORDS

A. Progress of Bills

Read First Time :—

Cinematograph Film Production (Special Loans) Bill [H.C.] [19th January.
Crewe Corporation Bill [H.L.] [20th January.
Dover Harbour Bill [H.L.] [20th January.
Falmouth Docks Bill [H.L.] [19th January.
Grimsby Corporation Bill [H.L.] [20th January.
Harwich Harbour Bill [H.L.] [19th January.
Huddersfield Corporation Bill [H.L.] [19th January.
Hurst Park Race Course Bill [H.L.] [19th January.
Manchester Ship Canal Bill [H.L.] [19th January.
Oldbury Corporation Bill [H.L.] [20th January.
Rhodesia Railways Limited (Pension Schemes and Contracts) Bill [H.L.] [19th January.
Rochdale Canal Bill [H.L.] [20th January.
Royal Alexandra and Albert School Bill [H.L.] [20th January.
Royal Holloway College Bill [H.L.] [20th January.
Savings Banks Bill [H.C.] [19th January.
Slough Corporation Bill [H.L.] [19th January.
Staffordshire Potteries Water Board Bill [H.L.] [19th January.
Tyne Improvement Bill [H.L.] [20th January.
Wandsworth and District Gas Bill [H.L.] [19th January.

Read Second Time :—

Colonial Naval Defence Bill [H.L.] [18th January.
Pensions Appeal Tribunals Bill [H.C.] [18th January.

In Committee :—

Coast Protection Bill [H.L.] [20th January.

B. Debates

On the second reading of the Pensions Appeal Tribunals Bill (18th January) the Lord Chancellor explained its twofold purpose. First, by substituting the words "any relevant service" for the words "war service" in the 1943 Act, the Bill extends to the whole of the Armed Forces in peace time the same rights as they enjoy now whilst the war technically continues. Secondly, in view of the changes in pension law due to the decisions of Denning, J., many people felt that their case would have been decided differently if the tribunals at the time had had the benefit of these rulings. Accordingly special Review Tribunals were set up to review such cases, and if they found that an injustice had in fact been done, they could recommend the Minister to put it right. But *these* tribunals, unlike the Pensions Appeal Tribunals, could not deal with questions as to the extent and duration of the disability—these questions were decided by the Minister. The Bill therefore now allows an appeal to the Pensions Appeal Tribunal on any dispute as to extent or duration of disability.

C. Questions

Lord Listowel stated that the Minister of Transport had referred to the Committee on Road Safety the question of the desirability of improving the regulations governing the use of controlled crossings, if at all practicable, in view of the decision of the House of Lords in *London Passenger Transport Board* v. *Upson* [1949] 2 All E.R. 60 (that, even though the green light is showing to oncoming traffic at a controlled pedestrian crossing, a driver is still breaking the regulations if he approaches at such a speed that he could not stop before reaching the crossing). (See also House of Commons Questions.) [18th January.

HOUSE OF COMMONS

A. Progress of Bills

Read First Time :—

Export Guarantees Bill [H.C.] [20th January.

To make further provision with respect to the powers of the Board of Trade to give guarantees in connection with overseas transactions; and for purposes connected with the matters aforesaid.

Public Works (Festival of Britain) Bill [H.C.] [19th January.

To provide, in connection with the Festival of Britain, 1951, for conferring further powers on the British Transport Commission and the London County Council, for the making by the Minister of Transport of grants in respect of expenses incurred by or on behalf of those bodies, for suspending or restricting the use by the public of certain streets and for other matters.

Read Second Time :—

Agricultural Marketing Bill [H.C.] [19th January.
Landlord and Tenant (Rent Control) Bill [H.C.] [24th January.
Minister of Food (Financial Powers) Bill [H.C.] [20th January.
National Theatre Bill [H.C.] [21st January.
Solicitors, Public Notaries, etc., Bill [H.C.] [20th January.

Read Third Time :—

Railway and Canal Commission (Abolition) Bill [H.L.] [18th January.

B. Debates

The Second Reading of the Solicitors, Public Notaries, etc., Bill took place on 20th January. Sir Hartley Shawcross introduced this as a "very dull little Bill" and then proceeded, in explaining its provisions, to give an interesting review of several ancient legal offices. The Bill's main purpose is to abolish Stamp Duty on practising certificates taken out by solicitors. These certificates, he said, could be refused to a solicitor for some disciplinary reason or "where during the past year—and this is a risk to which members of my profession are particularly exposed—he has been made bankrupt or driven mad." He explained that the relief was a *quid pro quo* for the additional burdens placed on solicitors of contributions to the Compensation Fund, imposed in 1941, and of employing accountants, imposed in 1947.

The Bill also repeals a number of statutory provisions dealing with those whose practice in the law was distinguished by some form of specialised title. "Conveyancers" (i.e., those persons who, being neither barristers nor solicitors, formerly employed themselves solely in drafting deeds) had ceased to exist as a separate profession, and hence the Bill abolished their statutory privileges. "Special Pleaders" (i.e., those barristers who devoted themselves mainly to drafting common law pleadings and appearing in chambers on procedural matters) would also lose their privileges—though the name would remain as a term of abuse, no doubt. The like fate was also to befall "Draftsmen in Equity" who were special pleaders dealing in Chancery matters.

Finally, the Bill abolished the necessity for notaries public to take out special practising certificates as such. These, he said, were, by definition, officers who "took note of anything which might concern the public," but their functions were in fact rather more specialised than that. They were the original "scribes" of the Roman Law and were originally appointed by the Pope, but now, under an Act of Henry VIII, by the Court of Faculties presided over by the Archbishop of Canterbury. The profession has 523 members of whom 500 are solicitors. Their main task is to prepare deeds and legal and commercial documents for use abroad in conformity with foreign law. They also translate legal documents from and into the terms of foreign legal systems. In the Middle Ages their badge was an ink-horn and pen-case suspended by a silken cord, which led Cave to say of one such: "Away with him, I say. Hang him with his pen and ink-horn round his neck."

Mr. Leslie Hale, in the course of the debate, suggested that this office also should be abolished. Mr. Eric Fletcher thought that the office should be extended either to all solicitors or to all commissioners for oaths.

The Second Reading of the Landlord and Tenant (Rent Control) Bill on 24th January will be discussed in a later issue.

C. Questions

The Parliamentary Secretary to the Ministry of Town and Country Planning stated that the Minister hopes to set up the Basildon Development Corporation during January. [18th January.

In reply to a question by Mr. John Hynd, the Minister of National Insurance stated that he hoped to reach a decision about the middle of the year on the question of bringing workmen disabled by pneumoconiosis or silicosis within the benefits of the Industrial Injuries Act. [18th January.

The Prime Minister informed Mr. Odey that while the Government was not prepared to recommend a commission to review divorce law at present, the question would be kept under careful review. [18th January.

Mr. Glenvil Hall stated that the War Damage Commission had a discretion under s. 31 of the War Damage Act, 1943, to extend the time limit for notifying war damage in particular

cases. Since October, 1946, about 75,000 late notifications had been accepted though increasingly severe restrictions were imposed as the period of delay lengthened. [18th January.

Mr. CHUTER EDE announced that within a month he hoped to publish a pamphlet setting out those portions of the Representation of the People Act, 1948, which relate particularly to parish councils. [19th January.

The PRIME MINISTER announced the setting up of a Royal Commission to consider whether capital punishment should be "limited or modified" (i.e., not *abolished*) under the chairmanship of Sir Ernest Gowers. He considered that the issue on abolition would have to be left for Parliament to decide in due course and was not one suitable for a Royal Commission. He could not say off-hand whether the question of a revision of the McNaghten Rules would come within the Commission's terms of reference. [20th January.

Mr. MORRISON stated that the National Council of Wales will meet in private and will itself decide where and when it shall meet. It will not have power to co-opt additional members. [20th January.

The ATTORNEY-GENERAL informed Mr. PIRATIN that the Departmental Committee appointed to consider the control of rents of business premises had not yet made a report. [20th January.

Mr. CREECH-JONES announced that a draft Bill is under consideration to establish a Court of Appeal in Fiji. [20th January.

Mr. JENNER asked the Minister of Transport whether he would consider abolishing pedestrian crossings at traffic lights, thereby giving the right of way to traffic. Other members referred to the decision in *London Transport Executive* v. *Upson* [1949] 2 All E.R. 60, and made suggestions for alleviating the position, as by wider use of "Cross now" signs. Mr. Barnes said he had referred the matter to the committee on Road Safety. [24th January.

The MINISTER OF TRANSPORT informed Mr. DRAYSON that compensation on nationalisation to road transport concerns would not be on a sliding scale giving greater benefits to large undertakings as compared with smaller ones. He also gave an assurance that, in general, no more would be paid for those acquired by negotiation than was paid for those acquired compulsorily under the Act. [24th January.

Mr. SILKIN said he could not give a date on which the Bill dealing with national parks and access to mountains would be published. [24th January.

STATUTORY INSTRUMENTS

County Court Districts (Tredegar, Blackwood, Abertillery and Bargoed) Order, 1949 (S.I. 1949 No. 38 (L.1)).

This Order sets up a new county court in Wales to be called the Tredegar, Blackwood, Abertillery and Bargoed County Court. It takes from the Newport (Mon.) County Court and transfers to the former Tredegar, Abertillery and Bargoed Court the following areas: that part of the parish of Abercarn which lies south of the line of British Railways (Western Section); the Bedwas and Tre Thomas wards of the parish of Bedwas; that part of the parish of Mynyddislwyn which lies south of the main line of British Railways (Western Section) from Crumlin on the east to Maesycwmmer on the west; and the parish of Bisca. The Registrar of these courts shall have power, under the direction of the judge, to decide whether proceedings pending in the Newport court shall be transferred to the new Tredegar court.

Children and Young Persons (Contributions by Local Authorities) Regulations, 1949 (S.I. 1949 No. 53).

This Order deals with contributions by local authorities to the expenses of the managers of approved schools.

Pottery (Health and Welfare) Special Regulations, 1949 (Draft).

The Minister of Labour and National Service, by virtue of his powers under the Factories Acts, 1937 and 1948, makes comprehensive rules in these regulations for the welfare and safeguarding from bodily injury of persons engaged in the pottery industry.

National Health Service (General Dental Services) Fees Regulations, 1949 (S.I. 1949 No. 48).

Milk and Cheese Factories (Hours of Women and Young Persons) Regulations, 1949 (S.I. 1949 No. 35).

Boot and Shoe Repairing Wages Council (Great Britain) Wages Regulation Order, 1949. (D. 95) (S.I. 1949 No. 45).

Rabbits and Hares (Amendment) Order, 1949 (S.I. 1949 No. 55).

London Traffic (Parking Places) (Amendment) (No. 1) Regulations, 1949 (S.I. 1949 No. 63).

London Traffic (Parking Places) (Amendment) (No. 2) Regulations, 1949 (S.I. 1949 No. 64).

London Traffic (Prescribed Routes) (Rathbone Street, West Ham) (Revocation) Regulations, 1949 (S.I. 1949 No. 65).

NON-PARLIAMENTARY PUBLICATIONS

National Insurance Acts. Selected Decisions by the Commissioner on Claims for Guardian's Allowance, Maternity Benefit and Widow's Benefit during the period 1st November to 8th December, 1948 (Pamphlet G/2).

National Insurance Acts. Selected Decisions by the Commissioner on Claims for Unemployment Benefit during November, 1948 (Pamphlet U/2).

Ministry of Labour and National Service. Cotton Weaving Factories. Agreement concerning Fencing of Machinery. First Aid and Other Safeguards. With Appendices (36–174).

Ministry of Labour and National Service. Time Rates of Wages and Hours of Labour. 1st September, 1948 (36–95–0–48).

Ministry of Labour and National Service. Factory Form No. 1856. Safety in Design and Operation of Gas Heated Ovens and Furnaces. October, 1948.

Statute Law Committee. Chronological Table of Statutes Covering the Legislation to 31st December, 1947 (59th Ed.) (39–44–0–47).

OMNIA VINCIT AMOR

IN the legendary days of Greece it was the giants who piled Pelion on Ossa to reach the abodes of the gods; it has been left to our own day to see the humblest of mortals striving to emulate their feats. True it is that they would not have succeeded but for the inspiration of the god Bacchus; but the exploit is memorable for all that. Twice in a month, under the influence of Bacchic frenzy, have human steps profaned the shrine of Eros in the very centre of the metropolis; the gaping public have waited in vain to see the sacrilegious wretch smitten down by shaft or thunderbolt. But this is a decadent age; the post has been stormed, not by Jove Pluvius but by jovial police, and the arrows of retribution have struck the offenders, not dramatically, from magic bow, but prosaically, from magisterial Bow Street.

Never, since the days when the gods of Olympus mingled in the *melée* between Argives and Trojans on the plains of Ilium, has such an opportunity been presented—and lost. Zeus, his thunderbolt uplifted, trembles in impotent rage; Athene's brows are wreathed in angry frowns; Apollo looks scornfully down upon Piccadilly Circus. Far away, among the rocky Caucasian crags, Prometheus shakes with Homeric laughter till his fetters rattle again. Eros, most powerful of the gods, has been insulted and mutilated, and all he can do is to invoke the Malicious Damage Act, 1861, and the Criminal Justice Administration Act, 1914.

Even so, the first shaft miscarried and glanced aside. The former offender was prosecuted under s. 51 of the Act of 1861, which originally rendered guilty of a misdemeanour any person who unlawfully and maliciously commits to or on any real or personal property whatsoever, either of a public or private nature, any damage injury or spoil (to an amount exceeding £5) *for which no punishment is specifically provided by the Act.* The punishment provided by the section in its original form was imprisonment not exceeding two years, which might be increased to penal servitude up to five years if the offence was committed during the night. By s. 52 he was made liable in certain cases to forfeit such sum of money as should appear to be a reasonable compensation for the damage. (It has been held, in *R.* v. *Hewitt* (1912), 76 J.P. 360 (C.C.A.), that the measure of the damage is the cost of replacing the damaged property.) In the first case that came before the learned magistrate he inadvertently overlooked the words italicised above. Reference to s. 39 of the same Act shows that any person is guilty of a misdemeanour who unlawfully and maliciously destroys or damages, *inter alia*, any statue or monument exposed to public view, or any ornament, railing or fence surrounding such statue or monument. The offence is triable at quarter sessions, and there is no power given by the Act to try such a case summarily. In doing so, therefore,

the learned magistrate acted *ultra vires*, and the conviction has accordingly been quashed, though part of the term of imprisonment awarded has been served by the offender.

Section 51 of the Act of 1861 is amended by s. 14 (2) of the Criminal Justice Administration Act, 1914, to the extent of removing the £5 minimum limit to the value of the damage; but the court is *not to commit* the offender for trial under the former section unless the damage exceeds £5. Section 14 (1) of the 1914 Act lays down that similar offences may be tried summarily where the amount of the damage does not exceed £20; the maximum punishment, if the damage exceeds £5, is a fine of £20 or three months' imprisonment; if the damage is £5 or less, the maximum punishment is a fine of £5 or two months' imprisonment; and in either case the convicted person may be ordered to pay reasonable compensation for the damage committed. In dealing with the second offender who climbed the statue, the police prosecuted under the 1914 Act, and the learned magistrate followed the less grave alternative in passing sentence.

In the result, the second offender has escaped with a fine of one shilling and has been ordered to pay thirty shillings, the amount of the damage done. From the point of view of the outraged deity this sounds like adding insult to injury. The delinquent should thank his lucky stars that he lives in the twentieth century, and not in the Golden Age celebrated by the poets of antiquity.

In those days the gods were easily offended, and woe betide those who, however inadvertently, might sin against them. Prometheus who, with the best of motives, stole fire from Heaven and taught its uses to poor, shivering mortals, was punished by being chained for ever to a cliff, where a vulture nightly fed upon his liver, which grew whole again each day. Hippolytus, whose offence was merely that he neglected the worship of Aphrodite, was thrown from his chariot and dragged along to his death by his own horses, which had been goaded into madness by the god Poseidon. Ixion, who had done no more than attempt to engage in a mild flirtation with Hera, the Queen of Heaven, was bound to an eternally revolving wheel: while Tantalus, for an equally trivial *peccadillo*, was condemned everlastingly to stand, tormented by a burning thirst, in the midst of a lake, the waters of which receded whenever he tried to drink, while a tree spread forth its succulent and luscious fruits just out of reach above his head. Against such severity even the first abortive sentence of three months' imprisonment looks excessively lenient; perhaps a possible explanation of the trivial penalty in the second case may be that the learned magistrate took into account the softer attributes of Eros as the god of Love. Had the damaged statue been sacred to Ares, the god of War, or (worse still) to the Erinnyes (whom the Romans called the Furies), one shudders to think of the appropriate punishment.

A. L. P.

NOTES AND NEWS

Professional Announcement

Messrs. Parker, Garrett & Co., of St. Michael's Rectory, Cornhill, E.C.3, have, as from 1st January, 1949, taken into partnership Mr. David William Donaldson, D.S.O., D.F.C., who has been associated with them for some time. The name of the firm remains unchanged.

Honours and Appointments

The King has approved the appointment of Mr. G. A. J. SMALLWOOD as Deputy Chairman of the Court of Quarter Sessions of the County of Leicester.

The King has, by letters patent, appointed Mr. HAROLD WALLACE-COPLAND, solicitor, of Stafford, to be His Majesty's Lieutenant of the County of Stafford, in the room of the Earl of Harrowby, who has resigned, and His Honour GEORGE CLARK WILLIAMS, county court judge, to be His Majesty's Lieutenant of the County of Carmarthen, in the room of Lord Dynevor, who has also resigned.

Mr. J. D. H. OSBORNE, retired solicitor, of Colwyn Bay, has been appointed Deputy Chairman of the Denbighshire Quarter Sessions.

Mr. HENRY W. GUTHRIE, K.C., has been appointed a judge in the Court of Session, Edinburgh. He has been Sheriff of Ayr and Bute since last May.

The Lord Chancellor has appointed Mr. N. F. ROSIER, solicitor, of Swindon, to be registrar of the Swindon, Malmesbury and Marlborough County Court and district registrar of the High Court of Justice in Swindon.

The Archbishops of Canterbury and York have appointed Sir CECIL THOMAS CARR, K.C.B., K.C., Counsel to the Speaker, to be Examiner under the Ecclesiastical Commissioners (Powers) Measure, 1936.

The Colonial Office has announced the following appointments: Mr. W. G. BRYCE to be Crown Counsel, Fiji; Mr. R. H. M. OWENS to be Registrar of Titles, Lands, Mines and Surveys Department, Kenya; Mr. J. H. WARD to be Resident Magistrate, Tanganyika; Mr. W. A. H. DUFFUS to be Magistrate, Nigeria; and Mr. G. M. PATERSON to be Attorney-General, Sierra Leone.

Mr. J. C. COLLEY, assistant solicitor to the Isle of Ely County Council since January, 1947, has been appointed Senior Assistant Solicitor of the County Borough of Barrow-in-Furness, Lancashire. He was admitted in 1943.

Mr. J. B. HAWORTH, solicitor, of Uxbridge, has been appointed Deputy Town Clerk of the Borough of Stockton-on-Tees. He was admitted in 1945.

Mr. R. HILES, solicitor, of Bath, has been appointed Deputy Town Clerk to the County Borough of Dewsbury. He was admitted in 1935.

Mr. R. S. JOHNSON, solicitor and controller of services for the Gas Light and Coke Co., has been appointed Deputy Chairman of the South-Eastern Gas Board. He was admitted in 1930.

Mr. S. G. JONES has been appointed Solicitor to London Transport Executive. He was admitted in 1938.

Mr. J. R. LONG, solicitor, of Rotherham, has been appointed Deputy Town Clerk of Newport, Monmouthshire. He was admitted in 1944.

Mr. R. M. MITCHELL, a Scottish solicitor, has been appointed Chief Executive Officer of the Road Haulage Association.

Mr. A. C. TEMPLEMAN, solicitor, of Dorchester, has been appointed Deputy Clerk to the Dorset County Council. He was admitted in 1925.

Personal Notes

For twenty-eight years Clerk to Bedford Town Council, Mr. Henry Darlow, O.B.E., B.A., LL.M. (Cantab.), has announced that he will retire on 15th October, his sixty-fifth birthday. He was admitted in 1910.

Mr. D. F. H. Greville-Smith, of Kidderminster, has consented to continue to act as Clerk to the Cleobury Mortimer (Salop) Magistrates until the end of March as no application for the post has been received.

Mr. Noel H. Capel Loft, solicitor, of Stourport, has resigned the post of magistrates' clerk to the Hundred House Bench. Mr. Capel Loft, who was admitted in 1923, continues to act as coroner for the district.

Mr. E. O. Savery, D.S.C., solicitor, of Kidderminster, has been elected Secretary to the Sebright Trustees in succession to Mr. C. C. Amphlett-Morton, who had held the post for more than thirty years.

Mr. F. L. Glover, solicitor's managing clerk, of Stourport-on-Severn, has been re-elected to the Kidderminster Co-operative Society Management Board.

Mr. R. Lunn, solicitor to Frimley and Camberley Urban District Council, is leaving to take up an appointment in Nairobi.

Mr. F. C. Adams, partner in the firm of Thursfield and Adams, solicitors, of Kidderminster, has been elected chairman of the Housing Committee of Kidderminster Town Council.

Mr. F. E. Burcher, M.B.E., former Clerk to the Kidderminster borough and county benches, has recently celebrated his eightieth birthday.

Miscellaneous

The deputy treasurer of the Inner Temple (Lord Merriman) and the Masters of the Bench entertained the following guests at dinner on 19th January—the Grand Day of Hilary term: Field-Marshal Earl Wavell, the Bishop of Norwich, Lord Horder, Lord Soulbury, Lord Normand, Mr. L. S. Amery, General Sir Ronald Adam, General Sir Charles Deedes, Sir Ernest Pooley, Mr. A. J. Hannan, Mr. J. P. L. Thomas, Commodore D. P. Evans, R.N., the Rector of St. Dunstan-in-the-West, the Deputy Master of Trinity House, the Treasurer of Lincoln's Inn, Mr. H. A. de C. Pereira, and the sub-Treasurer.

"THE SOLICITORS' JOURNAL"

Editorial, Publishing and Advertisement Offices: 88–90, Chancery Lane, London, W.C.2. Telephone: Holborn 1403.

Annual Subscription: £3 inclusive (payable yearly, half-yearly or quarterly in advance).

Advertisements must be received first post Tuesday.

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